United Nations E/C.19/2009/4/Add.2

Economic and Social Council

Distr.: General
24 February 2009
English
Original: Spanish

Permanent Forum on Indigenous Issues
Eighth session
New York, 18-29 May 2009
Items 3 and 4 of the provisional agenda*

Follow-up to the recommendations of the Permanent Forum: (a) Economic and social development; (b) Indigenous women; (c) Second International Decade of the World's Indigenous People

Human rights: (a) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples; (b) Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs

Information received from Governments

Bolivia

Summary

In response to the communication of 19 November 2008 addressed to the Ministry of Foreign Affairs, Bolivia is submitting the present document for consideration at the eighth session of the Permanent Forum on Indigenous Issues.

Bolivia is going through one of the most momentous eras of its history. The force of its social movements, of which indigenous and aboriginal farmers' organizations and intercultural communities are an essential part, has ushered in a new country; the water war of 2000 followed by the gas war of October 2003 culminated, in January 2006, in the historic election victory of Evo Morales Ayma, the country's first indigenous President.

In this context, the Government is committed to the protection, guarantee, promotion and full exercise of indigenous rights. As a result, indigenous and aboriginal farming nations and intercultural communities now exercise sovereignty

* E/C.19/2009/1

09-24784 (E) 130309 180309

and take public policy decisions. Previously, indigenous farming populations were treated as a separate sector, in an almost paternalistic manner. Now those populations are part and parcel of Bolivia's united multi-ethnic communitarian social State governed by the rule of law.

Of particular note are Bolivia's efforts to promote the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, adopted on 13 September 2007, and its subsequent adoption of the Declaration at the national level as Law No. 3760 of 7 November 2007.

Other significant developments include the nationalization of hydrocarbons and other natural resources and the successful effort to eradicate illiteracy through the cooperation and solidarity of the people and Governments of Cuba and the Bolivarian Republic of Venezuela. These efforts culminated in the declaration, in Cochabamba on 20 December 2008, that Bolivia had become the third illiteracy-free zone in Latin America.

The constitutional process came to fruition on 7 February 2009 with the promulgation of the new Political Constitution of the Multi-ethnic State, adopted with 61 per cent of the popular vote in a referendum held on 25 January 2009. This Constitution protects and proclaims the existence and leadership of indigenous and aboriginal farming nations and intercultural and Afro-Bolivian communities as the foundation of the multi-ethnic communitarian State, and marks the beginning of the refoundation of Bolivia.

The aboriginal and contemporary natives of this vast territory, diverse in language and experience, have come together to embrace a culture of life, living in unity and building a community based on "living well".

I. Response to the recommendations of the United Nations Permanent Forum on Indigenous Issues

1. On 1 May 2006 Bolivia took the historic step of nationalizing its hydrocarbon resources under Supreme Decree No. 28701. As a result, there has been a substantial increase in the direct tax on hydrocarbons; 5 per cent of the revenue from this tax is allocated to indigenous and aboriginal farming peoples through the Indigenous Development Fund established by Supreme Decree No. 28421. The Fund's resources currently amount to 831,500,503.35 bolivianos.

2. In line with domestic and international standards, the Bolivian State is carrying out policies to benefit indigenous and aboriginal farming peoples. The most important actions being taken with the Indigenous Development Fund include:

(a) The founding of the Indigenous Universities of Bolivia (UNIBOL) under Supreme Decree No. 29664 of 2 August 2008, which establishes three universities: Tupac Katari University, based in Warisata (highlands); Casimiro Huanca University, based in Chimore (midlands); and Apiahuayqui Tumpa University, based in Kuruyuqui (lowlands);

(b) Land redistribution, instituted by Law No. 3545 of 28 November 2006 extending the agrarian reform to community land, which provides for the distribution of land to indigenous and aboriginal farming peoples and intercultural communities. In 2008 hydrocarbon tax revenues were allocated for the retitling of land belonging to the Guaraní indigenous people. This involves the division of large landowner holdings that do not fulfil a socially useful economic function and are worked by families living in servitude;

(c) The Inter-ministerial Council for the Eradication of Servitude, instituted by Supreme Decree No. 29292 of 3 October 2007, which is currently working to eradicate servitude and liberate captive Guaraní families living on landowners' estates. The aim is to guarantee and restore the exercise of the fundamental human rights of our brothers of the Bolivian Chaco;

(d) Another initiative was the provision of seeds, furniture and office equipment, valued at 1,958,779.19 bolivianos, to the Guarani People's Assembly in 2008.

II. Contribution to the eradication of forced labour and servitude: Reversion of agricultural land

3. Under the new implementing regulations for Law No. 1715 as amended by Law No. 3545, the National Agrarian Reform Institute (INRA) carried out the first reversions of agricultural land on the grounds of failure to fulfil a socially useful economic function and existence of a system of servitude, forced labour or similar forms of subjugation; these grounds for reversion are provided for in the new regulations.

(a) A legal framework has been established for verifying and determining the existence of relations of servitude, forced labour, debt peonage and/or enslavement of captive families, with a view to the application of the principles governing labour

law once the existence of such relations has been verified (Supreme Decree No. 29802);

(b) The reversions carried out have had the following results:

Number	*Land*	*Location*	*Category of non-compliance with socially useful economic function*
1	Nacamiricito	Canton: Huacareta Province: Hernando Siles Department: Chuquisaca	
2	Inti Pilcomayo-Naca Pucu	Canton: Huacareta Province: Hernando Siles Department: Chuquisaca	Existence of servitude and forced labour
3	Itane	Canton: Santa Rosa del Ingre Province: Hernando Siles Department: Chuquisaca	Existence of servitude and forced labour

4. In this regard, the Government is also implementing intercultural public health-care policies through the intercultural community family health programme, under which care is provided in situ for indigenous and aboriginal farming communities.

5. With regard to education, the "Yes, I can" literacy programme was implemented and its results certified by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Bolivian Government, in the context of its commitment to indigenous and aboriginal farming peoples, is implementing such economic and social policies as the construction of subsidized housing in rural areas and in cities with an indigenous migrant presence (Supreme Decree No. 28794 of 12 July 2006). All these actions are being taken with a view to attaining the Millennium Development Goals.

6. Bolivia has conducted research with the participation of the social actors involved in development problems relating to climate change, who focused on adaptation measures in two pilot regions at the national level: one in the vicinity of Lake Titicaca, the other in the mesothermic valleys of the Department of Santa Cruz, as part of a process known as "learning by doing", coordinated and developed by the National Climate Change Programme with rural communities in six municipalities.

7. On the basis of this experience, a multidisciplinary programme entitled "Anthropological considerations and ancestral knowledge" is being incorporated in the National Mechanism for Adaptation to Climate Change, with the aim of identifying the reasons for erosion based on ancestral knowledge of practices which may be relevant in adaptation to climate change.

8. A further success has been the development of local adaptation strategies in Chipaya indigenous communities, in which indigenous actors revive ancestral

practices to tackle climate change. The project was carried out in the context of the National Climate Change Programme Five-Year Plan.

9. The Government of Bolivia has been conducting consultations with social organizations, in particular with indigenous peoples, and formulating national positions on a participatory basis with regard to the United Nations Framework Convention on Climate Change, in preparation for the fifteenth Conference of the Parties, to be held in Copenhagen, Denmark, in December 2009.

III. Activities and policies relating to economic and social development, indigenous women and the Second International Decade of the World's Indigenous People

10. During implementation of the current process of change women are guaranteed, on a gender-neutral basis, access to land, intercultural health and multicultural education, in which regard the present Constitution of the Multi-ethnic State, promulgated on 7 February 2009, provides for the following fundamental rights:

Article 15

I. Everyone has the right to life and to physical, psychological and sexual integrity. No one shall be tortured or suffer cruel, inhuman, degrading or humiliating treatment. There is no death penalty.

II. All persons, in particular women, have the right not to suffer physical, sexual or psychological violence, either in the family or in society.

III. The State shall adopt the necessary measures to prevent, eliminate and punish gender-based and generational violence, as well as any act of commission or omission intended to degrade the human condition or cause death, pain or physical, sexual or psychological suffering, either in public or in private.

IV. No one shall be subjected to enforced disappearance for any reason or under any circumstance whatsoever.

V. No one shall be subjected to servitude or slavery. Trafficking in persons is prohibited.

11. Within the context of this constitutional framework and the refounding of the Bolivian State, domestic provisions are being formulated to guarantee the rights incorporated in the Constitution. Thus, under the new organizational structure of the executive of the multi-ethnic State, indigenous women are represented on the ministerial cabinet.

12. Subsequently, on 10 December 2008, Decree No. 29850 was issued approving the National Equal Opportunity Plan entitled "Women building the new Bolivia in the interest of living well". Further, progress has been made with regard to gender balance in terms of political participation by women, the Quota Act and the Act on Citizens' Associations and Indigenous Peoples being of particular note.

13. Bolivia reaffirms its commitment to actively promote gender mainstreaming in the design, implementation, monitoring and evaluation of policies and programmes

in the political, economic and social spheres, ensuring the full representation and full and equal participation of women as a critical factor in the eradication of poverty. In this regard it endorses the adoption of General Assembly resolution 62/136 on the improvement of the situation of women in rural areas and acknowledges the importance of the role played by indigenous women in their societies and the need for full implementation of the main aspects of the resolution in order to guarantee access by indigenous women to public life.

14. In the context of the organizational structure of the executive, established by Supreme Decree No. 29894 of 7 February 2009, the following provisions have been adopted:

> **Article 83**. (Functions of the Deputy Minister for Equal Opportunity) The Deputy Minister for Equal Opportunity, in the context of the authority as signed to the central authorities by the Constitution, has the following functions:
>
> (a) To formulate, direct and coordinate policies, norms, plans, programmes and projects promoting equal opportunity between men and women, boys and girls, adolescents and young people, older adults and persons with disabilities;
>
> (b) To promote compliance with the Constitution and international instruments with regard to equality in terms of gender, generations and persons with disabilities;
>
> (c) To make proposals and assist in the incorporation of the principle of equal opportunity in autonomous territorial bodies;
>
> (d) To evaluate and monitor autonomous territorial bodies in the implementation and fulfilment of plans, programmes and projects relating to gender equity and equal opportunity;
>
> (e) To mainstream the gender perspective and promote equality of opportunity between generations in sectoral policy and public administration, formulating activities in conjunction with State bodies and civil society organizations;
>
> (f) To formulate, coordinate and implement national policies with autonomous territorial bodies with regard to the defence, protection and promotion of the rights of women, boys and girls, young people, older adults and persons with disabilities;
>
> (g) To formulate standards for strengthening protection, prevention, care and recovery mechanisms and penalties for gender-based and intergenerational violence and institutional mistreatment;
>
> (h) To coordinate, manage and supervise the allocation of economic resources in autonomous territorial bodies for the implementation of policies, plans, programmes and projects with a gender perspective and projects for children, adolescents, young people, older persons and persons with disabilities;
>
> (i) To coordinate, formulate and monitor policies and standards with the autonomous territorial bodies to guarantee the rights of women, men and families, particularly the rights of children and adolescents.

15. In addition, through the Ministry of Rural Development and Land, Bolivia is promoting the economic and social development of farming and indigenous communities and economic organizations by protecting their social, economic and cultural rights and promoting the integrated management and organized functioning of indigenous and aboriginal farming communities and peoples.

IV. Gender equity in land distribution, administration, tenure and exploitation

16. As land is an element of great cultural, religious and legal significance, social integration or exclusion often hinges solely on a person's situation with respect to land tenure. The right to participate in community management and community decision-making depends on an individual's status as a "member, resident or owner of a plot or parcel of land". Access to land is therefore a major determinant of decision-making power at the family, community and national levels. In this connection, the new agrarian legislation — Law No. 3545 on community land redistribution — treats rural women as stakeholders capable of taking decisions concerning land, either on their own or as part of a couple, and takes gender equity into account in land distribution, administration, tenure and exploitation, regardless of a woman's marital status. INRA has accordingly defined gender policy as one of its basic pillars for guaranteeing the principle of equity in land redistribution, enabling both men and women to participate actively in the redistribution process.

17. Accordingly, various activities are being carried out to involve women in the redistribution process, with the result that more women have received title deeds or certificates to the land that they work, as shown in the figures below:

Figure I
Number of titles and certificates, by gender
1996-2008

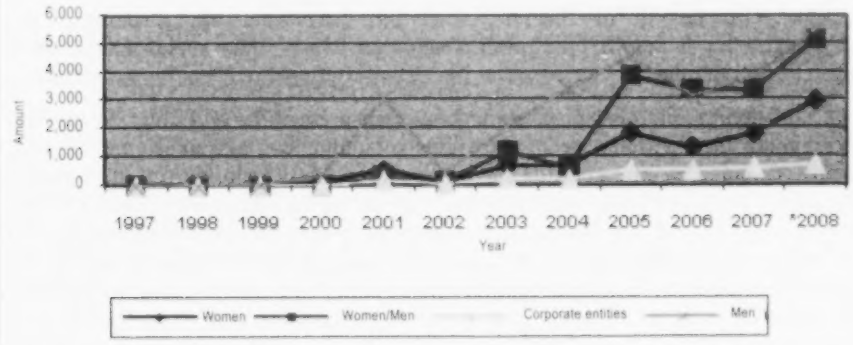
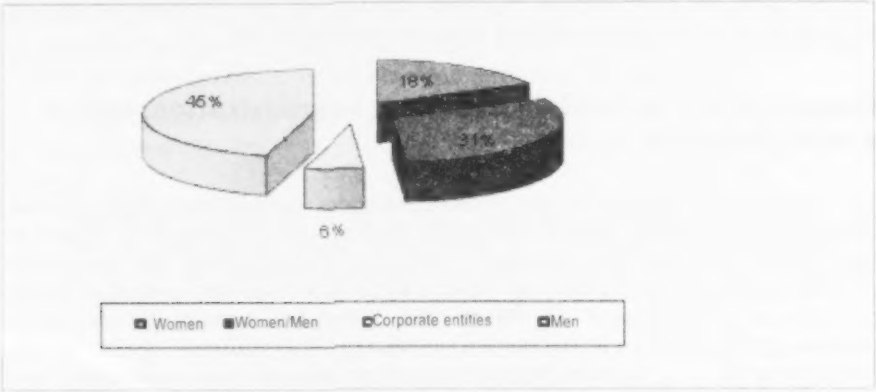


Figure II
Percentage of titles and certificates, by gender
1996-2008



18. Women as individual owners account for 18 per cent of all land titles and certificates. Among co-owners (that is, in the "women/men" category), women are recognized as the primary owners in 31 per cent of cases.

19. These participation levels increased substantially faster between 2006 and 2008, as shown in the figure.

20. The National Development Plan and the Constitution are fully consistent with the goal, objectives and programmes of action of the Second International Decade of the World's Indigenous People.

V. Difficulties in implementing the Permanent Forum's recommendations

21. The Government of President Evo Morales Ayma has formulated and implemented an inclusive process of change in which most social sectors have played an active role.

22. Nonetheless, entrenched interests in certain prefectures and civic committees are blocking the full exercise of the rights of indigenous and aboriginal farming peoples, as noted by Mr. Rodolfo Stavenhagen, Special Rapporteur on the rights of indigenous peoples. These actions went so far as to seek to foment a civic-prefectural coup, which led to racist, xenophobic, genocidal and discriminatory acts that began with the humiliating and insulting treatment of aboriginal farmers in the Plaza 25 de Mayo in Sucre. Afterward a plan to destabilize the national Government was launched with the takeover and looting of public institutions in the cities of Santa Cruz, Trinidad-Beni, Tarija and Cobija-Pando, culminating in a genocidal massacre of indigenous farmers.

23. In addition, the Senate, owing to its political composition based on privilege, has represented an obstacle to the approval of regulations in favour of indigenous and aboriginal farming peoples.

VI. Factors that have facilitated the implementation of the Forum's recommendations

24. Now that indigenous and aboriginal farmers' movements are leading the process of change and transformation of the economic base and superstructure, the economy has begun to reflect the social and communitarian model's emphasis on the interests of the majority. Current developments thus form a favourable backdrop for Bolivia's political, economic and social development, since the rise to power of our brother Evo Morales Ayma is an expression of the wishes of the vast majority of Bolivia's people. This majority is now involved in the process of change and transformation, as shown by the promulgation of the Political Constitution of the Multi-ethnic State now in force, which reflects all the aspirations of indigenous and aboriginal farming peoples.

25. The Government's administration reflects indigenous values concerning duality, complementarity and balance, which are summed up in the concept of *suma qamaña* (living well), as opposed to the concept of living better; this concept of "living well" is reflected in the Constitution.

Article 8

I. The State shall adopt and promote, as ethical and moral principles of a pluralistic society, the motto "*ama qhilla, ama llulla, ama suwa* (do not be lazy, do not lie, do not steal), *suma qamaña* (living well), *ñandereko* (the harmonious life), *teko kavi* (the good life), *ivi maraei* (land without evil) and *qhapaj ñan* (noble path or life)".

II. The State shall be based on the values of unity, equality, inclusion, dignity, liberty, solidarity, reciprocity, respect, complementarity, harmony, transparency, balance, equal opportunity, social and gender equity of participation, the general welfare, responsibility, social justice and the distribution and redistribution of social goods for the purpose of living well.

VII. Laws, policies and other specific instruments for addressing problems affecting indigenous peoples

26. The Bolivian Government upholds international standards such as the United Nations Declaration on the Rights of Indigenous Peoples, which was adopted in September 2007 at the sixty-second session of the United Nations General Assembly and subsequently approved by the Bolivian legislature and promulgated by President Evo Morales Ayma under Law No. 3760.

27. On 25 January 2009 the authorities held a constitutional referendum in which more than 61 per cent of the votes were in favour of the adoption of the new Constitution, which reflects the spirit of the Declaration on the Rights of Indigenous Peoples.

28. To complement the report submitted by Bolivia in advance of the Permanent Forum's seventh session, the following information is provided on rights set forth in chapter IV of the new Constitution:

A. Rights of indigenous and aboriginal farming nations and peoples

Article 30

I. Indigenous and aboriginal farming nations and peoples shall be defined as any population group with a common cultural identity, language, historical tradition, institutional framework, territory and world view whose existence predates the Spanish colonial invasion.

II. Within a framework of State unity and in accordance with the present Constitution, indigenous and aboriginal farming nations and peoples shall enjoy the following rights:

1. To exist freely;

2. To retain their cultural identity, religious beliefs, spirituality, practices and customs, and their own world view;

3. To have the cultural identity of each of their members, if they so desire, indicated together with their Bolivian citizenship on their identity card, passport or other legally valid identification documents;

4. To self-determination and territorial rights;

5. To have their institutions incorporated into the general structure of the State;

6. To enjoy collective title to their lands and territories;

7. To the protection of their sacred sites;

8. To establish and administer their own communication systems, media and networks;

9. To respect for and appreciation and promotion of their traditional skills, knowledge, medicine, languages, ceremonies, symbols and dress;

10. To live in a healthy environment whose ecosystems are properly managed and used;

11. To the collective intellectual ownership and the appreciation, use, promotion and development of their skills, science and knowledge;

12. To intracultural, intercultural and multilingual education throughout the educational system;

13. To universal free health care that respects their world view and traditional practices;

14. To the operation of their political, legal and economic systems in accordance with their world view;

15. To be consulted through appropriate procedures, particularly through their institutions, with regard to all proposed legislative or administrative measures that may affect them. In this context, the right to mandatory prior consultation by the State, acting in good faith and in a concerted fashion, with regard to the exploitation of non-renewable natural resources in the territories they inhabit shall be respected and guaranteed;

16. To share in the profits from the exploitation of natural resources in their territories;

17. To the autonomous administration of indigenous territories and to the exclusive use and exploitation of renewable natural resources in their territories;

18. To participate in State organs and institutions.

III. The State shall guarantee, respect and protect the rights of indigenous and aboriginal farming nations and peoples, as set forth in the present Constitution and the law.

Article 31

I. The individual and collective ways of life of indigenous and aboriginal nations and peoples in danger of extinction, in voluntary isolation and out of contact shall be protected and respected.

II. Indigenous nations and peoples living in isolation and out of contact shall enjoy the right to continue to live in that manner and to the legal delimitation and consolidation of the territory which they occupy and inhabit.

Article 32

The Afro-Bolivian people shall enjoy, in all relevant areas, the economic, social, political and cultural rights which the Constitution ascribes to indigenous and aboriginal farming nations and peoples.

B. Indigenous territorial rights

29. The Political Constitution of the Multi-ethnic State provides, in article 293, that autonomous indigenous and aboriginal farming communities shall be "based in indigenous territories that have been or are being consolidated"; article 394 provides that "the State shall protect and guarantee individual and community or collective land ownership" in case of agrarian disputes. There are arrangements in place to prevent forced displacement from ancestral territories; the Inter-ministerial Plan for the Guarani is noteworthy in this regard. Among the measures in place for indigenous peoples living in border areas is a programme for the protection of both cross-border peoples and peoples that are extremely vulnerable and in danger of extinction; in this connection, the authorities have established an Inter-agency Commission on Highly Vulnerable Indigenous Peoples.

C. Self-determination

30. Article 1 of the new Constitution provides that "Bolivia is a united multi-ethnic communitarian social State governed by the rule of law"; article 5 provides that "Spanish and all the languages of indigenous and aboriginal farming nations and peoples are official languages of the Bolivian State"; and article 98 stipulates that "Cultural diversity is the cornerstone of the multi-ethnic communitarian State".

D. Natural balance

31. With regard to the protection of the natural balance in which indigenous peoples live and work, article 342 of the new Constitution provides that "the State and the population shall be bound to conserve, protect and sustainably use natural resources and biodiversity and to maintain the balance of the natural environment". Indigenous peoples' rights to the exploitation of natural resources in their territories are recognized in article 304, paragraph 3, of the new Constitution, which provides that indigenous peoples have exclusive jurisdiction over the "management and administration of renewable natural resources, in accordance with the Constitution". On the rights to the flora and fauna in those territories, article 352 of the new Constitution provides that "citizen participation in the process of environmental management shall be guaranteed and the conservation of ecosystems shall be promoted ... Consultations with indigenous and aboriginal farming nations and peoples shall be conducted in accordance with their rules and procedures".

E. Autonomous indigenous and aboriginal farming communities

32. Pursuant to article 290, an autonomous indigenous or aboriginal farming community is a community that exercises self-government, as an expression of the self-determination of indigenous and aboriginal farming nations and peoples, and whose population has a common territory, culture, history and language and its own legal, political, social and economic organization or institutions.

Article 290

I. The formation of autonomous indigenous and aboriginal farming communities shall be based on the ancestral territories currently inhabited by such peoples and nations and on the will of their population, expressed by means of consultation, pursuant to the Constitution and the law.

II. Autonomous indigenous and aboriginal farming communities shall govern themselves in accordance with their rules, institutions, authorities and procedures, in line with their powers and jurisdictions and in harmony with the Constitution and the law.

Article 291

I. Autonomous indigenous and aboriginal farming communities shall consist of indigenous and aboriginal farming territories and of municipalities and regions that adopt that status in accordance with the provisions of the present Constitution and the law.

II. Two or more indigenous or aboriginal farming peoples may form a single autonomous indigenous or aboriginal farming community.

Article 292

Each autonomous indigenous or aboriginal farming community shall draw up its own statutes in accordance with its own rules and procedures, pursuant to the Constitution and the law.

Article 293

I. An autonomous indigenous community based in indigenous territories that have been or are being consolidated shall be constituted, once such consolidation has been completed, on the basis of the will of its population, as expressed in consultations held in accordance with its own rules and procedures, as the only allowable requirement.

II. If the formation of an autonomous indigenous or aboriginal farming community affects the boundaries of a municipal district, the indigenous or aboriginal farming people or nation and the municipal government shall agree on new district boundaries.

III. If municipal boundaries are affected, the relevant approval procedure before the Multi-ethnic Legislative Assembly shall be followed, provided that the specific terms and conditions stipulated by law have been met.

IV. Differential minimum population and other requirements for the constitution of autonomous indigenous and aboriginal farming communities shall be established by law.

V. For the constitution of an autonomous indigenous or aboriginal farming community whose territory falls within one or more municipalities, mechanisms for joint administration and for coordination and cooperation in governing such a territory shall be established by law.

Article 294

I. Decisions to constitute an autonomous indigenous or aboriginal farming community shall be taken pursuant to the rules and procedures for consultation, in accordance with the terms and conditions laid down in the Constitution and the law.

II. Decisions to convert a municipality into an autonomous indigenous or aboriginal farming community shall be taken by referendum in accordance with the terms and conditions established by law.

III. In municipalities where there are farming communities that are linked together by their own organizational structures and are located on geographically contiguous land, a new municipality may be formed by means of an approval procedure before the Multi-ethnic Legislative Assembly, provided that the terms and conditions laid down in the Constitution and the law have been met.

Article 295

I. An indigenous or aboriginal farming region that affects municipal boundaries cannot be formed until a procedure has been carried out before the Multi-ethnic Legislative Assembly, in compliance with the specific terms and conditions established by law.

II. Decisions to aggregate municipalities, municipal districts and/or autonomous indigenous or aboriginal farming communities to form an indigenous or aboriginal farming region shall be taken by referendum and/or in accordance with the rules and procedures for consultation, as

appropriate, pursuant to the terms and conditions laid down in the Constitution and the law.

Article 296

The governments of autonomous indigenous and aboriginal farming communities shall operate under their own rules and forms of organization, with the names used by each people, nation or community, as provided in their statutes and subject to the provisions of the Constitution and the law.

33. The cultural practices professed and exercised forbid discrimination on the basis of race or culture. Indigenous and aboriginal farming peoples were granted collective legal personality under Supreme Decrees Nos. 29215 and 29824.

34. The executive is currently working towards the adoption of a draft law on the prevention and elimination of all forms of discrimination, which would prohibit racial discrimination against indigenous and aboriginal farming peoples.

35. Also significant was the promulgation of Supreme Decree No. 29851 of 10 December 2008, which establishes a national plan of action on human rights entitled "Bolivia: dignity for living well, 2009-2013". This plan was formulated in a participatory and communitarian manner with a view to enabling the State and civil society to work towards the decolonization (elimination of inequality) of rights.

36. The plan sets forth the public policies that will be implemented between 2009 and 2013 to strengthen the country's mechanisms for the promotion, protection, defence, realization and effective exercise of human rights, in harmony and balance with nature and the cosmos, with a view to enabling the whole population to "live well". It also takes a cosmocentric, multi-ethnic and intercultural approach to human rights.

37. The national Government is now implementing this comprehensive, cross-cutting human rights plan, which is aimed at the further development of the collective rights of indigenous and aboriginal farming peoples and nations, intercultural communities and the Afro-Bolivian people, including the right to exist freely, the right to their cultural identity, the right to territorial self-determination, the right to the collective intellectual ownership of their knowledge, the right to implement their own legal, political and economic systems, the right to collective title to their lands, the right to be consulted, the right to autonomous territorial administration, the right to participate in State organs and the rights of the Afro-Bolivian people.

38. Indigenous law is based on the existence of indigenous and aboriginal justice. Article 191, paragraph I, of the new Constitution recognizes indigenous jurisdiction: "Indigenous and aboriginal farming nations and peoples shall exercise jurisdictional functions and powers through their authorities and shall apply their own principles, cultural values, rules and procedures".

39. Education is addressed in article 78, paragraph I, of the Constitution, which proclaims that "education shall be uniform, public, universal, democratic, decolonizing and of high quality". Article 78, paragraph II, of the new Constitution provides that "education shall be intracultural, intercultural and multilingual throughout the educational system", and guarantees intercultural bilingual education based on the existence of ancestral knowledge and skills. To that end, three basic

measures have been implemented: (a) the Avelino Siñani Education Act, formulated with indigenous and rural organizations, which provides for intercultural, intracultural, bilingual, decolonizing education; (b) the Juancito Pinto bonus programme, under which the sum of 200 bolivianos is disbursed to all public school students from the first to the eighth grades, as a public policy aimed primarily at indigenous children to prevent them from dropping out of school; and (c) the public policy and national programme "Yes, I can", which made it possible to eradicate illiteracy in Bolivia, as recognized on 20 December 2008 in a declaration proclaiming Bolivia as the third illiteracy-free zone in Latin America.

40. The competence of the Ministry of Education in this regard is to (a) "Promote the development of pedagogical theories based on their own world views, philosophies and educational experiences" and (b) "Strengthen cultural and linguistic diversity as a foundation for national development".

41. The following programmes were continued with external support: (a) the national programme "Operation Miracle", carried out jointly with Cuba, under which free eye surgery has been provided to thousands of indigenous people; (b) the Zero Malnutrition Programme, which involves the delivery of food supplements to mothers in the poorest municipalities that are highly vulnerable in terms of food security; and (c) the Universal Health Insurance Act, which gives priority to indigenous farming communities in rural areas.

42. Concerning the decriminalization of indigenous medicinal practices, article 42 of the new Constitution provides that "the State shall have a responsibility to promote and guarantee respect for and the use, research and practice of traditional medicine, preserving the ancestral knowledge and practices found in the thinking and values of all indigenous and aboriginal farming nations and peoples".

43. The Office of the Deputy Minister of Traditional Medicine and Intercultural Affairs of the Ministry of Health and Sport is responsible for "designing and proposing policies to promote traditional medicine and to link it with academic or university medicine in the framework of intercultural relations and ethnic and cultural adaptation of health-care services" and for "incorporating and developing traditional medicinal practices in the uniform health-care system and implementing a system for the registration and codification of traditional and alternative therapies, and incorporating them into the national pharmacopoeia of medicines".

Equal opportunity programme in the army

44. The Equal Opportunity Programme is spearheading a process of change to prohibit discrimination and exclusion in the army. This programme works for the enrolment of indigenous people in military institutes.

Decent income

45. Law No. 3791 established the old-age income for life programme, under which an annuity is provided to persons over the age of 60. This public policy is part of the "Dignity for Bolivians" component of the National Development Plan.

Community radio

46. A national network of community radio stations has been set up.

47. To facilitate the participation of indigenous nations in elections, article 212 of the new Constitution provides that "indigenous and aboriginal farming nations and peoples may elect their political representatives in the relevant forums, in accordance with their own electoral procedures".

VIII. National coordinating bodies for indigenous issues

48. Article 3 of the new Constitution affirms that the Bolivian nation consists of all Bolivian women and men, the indigenous and aboriginal farming nations and peoples and the intercultural and Afro-Bolivian communities, which together make up the Bolivian people.

49. Accordingly, since the refoundation of Bolivia, issues concerning indigenous and aboriginal farming peoples have no longer been viewed as indigenous issues; rather, they are part and parcel of the entire structure of the multi-ethnic State. This was manifested in Supreme Decree No. 29894 of 7 February 2009 implementing the organizational structure of the executive of the multi-ethnic State and specifying the functions of each ministry.

50. That Supreme Decree provides that each State ministry is obligated to uphold the value of Bolivia's political, economic, legal, cultural and linguistic pluralism, based on the principles of solidarity, complementarity, reciprocity, inclusion, dignity, equity and equal opportunity, multi-ethnic approaches, transparency, social control, equity and environmental protection.

51. For example, the Office of the Deputy Minister of Justice for indigenous and aboriginal farming peoples has the responsibility and competence to defend and protect the collective rights of indigenous and aboriginal farming nations and peoples by strengthening the justice systems of indigenous and aboriginal farming peoples, overseeing the demarcation, coordination and cooperation between this jurisdiction and ordinary and agro-environmental justice and promoting compliance with international instruments in this area, all in coordination with indigenous and aboriginal farming peoples' organizations.

52. The National Development Plan, entitled "Bolivia: dignity, sovereignty, productivity and democracy for living well", 2006-2010, sets forth a comprehensive, diversified national development model structured around the concepts of decolonization and interculturalism.

53. For the purpose of "building a new State based on the power of aboriginal peoples and social movements, of civic and community organizations", the plan sets out the objective of "dismantling colonialism by means of a State that promotes and spearheads productive development in order to develop a State, private and community economy within a multi-ethnic context".

IX. Systematic civil service capacity-building programmes on issues concerning indigenous peoples

54. Bolivia has personnel training programmes for civil servants in the area of intercultural public administration of aboriginal peoples. The programmes are given by the National Personnel Administration Service.

55. The Multi-ethnic Diplomatic Academy of the Ministry of Foreign Affairs is currently training the first generation of intercultural diplomats, and is also training artists to serve as cultural representatives in intercultural diplomacy.

56. There are plans to open a school for civil servants with a view to providing better service to the structure of the multi-ethnic State, under the supervision of the Ministry of Education.

X. Information on the Government's promotion and implementation of the United Nations Declaration on the Rights of Indigenous Peoples

57. The Government of Bolivia expressed its commitment to indigenous and aboriginal farming peoples' movements by incorporating the United Nations Declaration on the Rights of Indigenous Peoples into the new Constitution promulgated on 7 February 2009. Thus, Bolivia has elevated the obligation to respect the rights of indigenous peoples to constitutional status, thereby becoming the first country in the world to implement this international instrument.